

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

NOMAD GLOBAL
COMMUNICATION SOLUTIONS,
INC.,

Plaintiff,

vs.

HOSELINE, INC.,

Defendant.

CV 20–138–M–DLC

ORDER

Before the Court is the parties’ Stipulated Motion for Dismissal with Prejudice. (Doc. 40.) Plaintiff Nomad Global Communications Solutions, Inc. and Defendant Hoseline, Inc. have notified the Court they have fully settled the outstanding claims in this matter and request that it be dismissed with prejudice, with each party to bear its own costs and fees. (*Id.*) The parties also request that any dismissal as to Tutco, Inc. or Tutco, LLC be without prejudice. (*Id.*)

The Court will grant the parties’ motion as to a dismissal between Nomad and Hoseline. With respect to Tutco, Inc. or Tutco, LLC, however, the Court finds another dismissal order unnecessary. As Nomad and Hoseline acknowledge, Tutco has already been dismissed from this action based on a lack of personal jurisdiction. (*See generally* Doc. 31.) “[D]ismissals for lack of personal

jurisdiction must be without prejudice.” *Fiorani v. Berenzweig*, 441 Fed. App’x 540, 541 (9th Cir. 2011) (citing *Grigsby v. CMI Corp.*, 765 F.2d 1369, 1372 n.5 (9th Cir. 1985)); *see also* Fed. R. Civ. P. 41(b) (“any dismissal not under this rule—*except one for lack of jurisdiction* . . . operates as an adjudication on the merits”) (emphasis added). To the extent this Court’s prior dismissal order lacked specificity as to whether the claims against Tutco were being dismissed with or without prejudice, because dismissal was for a want of personal jurisdiction, it was necessarily without prejudice. *See Stewart v. U.S. Bancorp*, 297 F.3d 953, 956 (9th Cir. 2002). The only remaining claims in this action are those brought by Nomad against Hoseline.

Accordingly, IT IS ORDERED the motion (Doc. 40) is GRANTED in part and DENIED in part, as set forth previously in this Order.

IT IS FURTHER ORDERED the above-captioned matter is DISMISSED with prejudice, with each party to bear its own costs and fees. As previously explained, any claims brought in this action against Tutco, Inc. or Tutco, LLC were dismissed without prejudice, for lack of personal jurisdiction.

DATED this 3rd day of June, 2022.



Dana L. Christensen, District Judge
United States District Court